

PROB 12C  
Rev 2/03

## United States District Court

for

Southern District of Ohio

### Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Natasha M Wise**

Case Number: **1:02CR00124**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**  
**United States District Judge**

Date of Original Sentence: **February 3, 2003**

Original Offense: **Embezzlement of Bank Funds, in violation of 18 USC §§ 652 and 2 , a class B felony.**

Original Sentence: **1 day prison, 60 months supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **February 3, 2003**

Assistant U.S. Attorney: **Robert A. Behlen, Jr, esq.**

Defense Attorney: **James Grey Wolf, esq.**

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#### PETITIONING THE COURT

- ☐ To issue a warrant
- ☐ To issue an Order to Appear and Show Cause
- ☒ To grant an exception to revocation without a hearing.

#### Violation Number

#### Nature of Noncompliance

#1

**Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;**

On January 3, 2005, Wise submitted a urine specimen which tested positive for usage of cocaine. On February 7, October 24, October 27, November 10, November 11, November 14, December 19, December 22, 2005, and January 17, 2006, Wise submitted urine specimens which tested positive for marijuana. The October 24, 2005 urine specimen also tested positive for usage of cocaine.

It should be noted, the October 27, November 10, November 11, and November 14, 2005 urine specimens were considered as part of the same usage as the October 24, 2005 positive urine specimen. In addition, the December 22, 2005 positive urine specimen was considered as part of the same usage as the December 19, 2005 positive urine specimen. In total, there are five separate positive urine specimens; four of which occurred within the same 365 day time period.

It should be noted, 18 USC §3583(g)(4) requires revocation for testing positive for drug usage more than three times within the same 365 time period. However, there is an exception clause under 18 USC § 3583(d) that the Court

may consider. The exception clause allows for the supervision to be continued, if the Court finds that the availability of appropriate substance abuse treatment programs or that the individuals's current or past performance in treatment warrants an exception.

**U.S. Probation Officer Recommendation:**

Wise has had a very difficult time for most of 2005. She has suffered from deep depression and has had numerous problems with her son and a daughter who got pregnant and gave birth while still in high school. Wise has held employment, but is struggling to get more than just part time hours. She has been involved in mental health treatment at Ikron, Inc, and recently agreed to try medication to help her with the depression issue. The source of her usage is the mental health problem where she is self medicating to deal with her depression and family problems. Wise has seven children, and only one of them is an adult (20 years old and unemployed). At this time, a halfway house placement or prison would displace the six children and a grandchild still in the home. This officer and her mental health counselor are trying to work closely with Wise to get control of the usage and get back on the right path. However, at the same time, this officer some form of sanctioning is appropriate.

This officer met with Wise, and explained the situation to her. This officer also proposed an electronic monitoring modification as a sanction, based on the violation conduct. This officer fully explained to wise her rights to consult with an attorney before making any decision and to a modification hearing represented by counsel. Wise stated she understood the modification and her rights completely. She stated she did not want to meet with an attorney and wanted to waive her rights to a hearing. At that point, this officer presented the waiver form, and Wise signed it.

Based on the presented situation, this officer is respectfully recommending the exception clause under 18 USC § 3583(d) and the electronic monitoring modification be granted. Please find the signed waiver form attached to this petition.

The term of supervision should be:

- ☐ Revoked.
- ☐ Extended for years, for a total term of years.
- ☒ Continued based upon the exception to revocation under 18 USC § 3583(d)
- ☒ The conditions of supervision should be modified as follows:

**The supervised releasee shall complete four months of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee may be required to wear an electronic device, and shall remain at her place of residence except for employment, treatment, or other activities approved in advance by the probation officer. The fees of the electronic monitoring shall be waived.**

I declare under penalty of perjury that  
the foregoing is true and correct.

Approved,

Executed on January 31, 2006

by

  
Robert C. Frommeyer Jr.

U.S. Probation Officer

  
John Cole

Supervising U.S. Probation Officer

Date: January 31, 2006

THE COURT ORDERS:

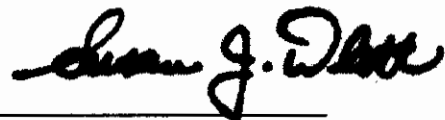
No Action

☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.

☐ The Issuance of an Order to Appear and Show Cause

☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions . The Court also grants the modification as stated above.

☐ Other



Signature of Judicial Officer

2/8/06

Date

PROB 49

**UNITED STATES DISTRICT COURT  
Southern District of Ohio**

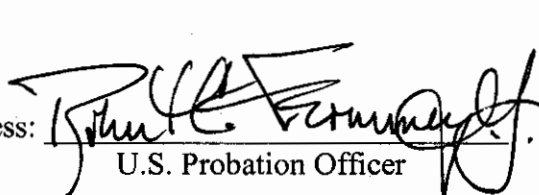
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

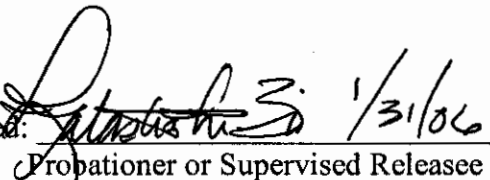
I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The supervised releasee shall complete four months of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee may be required to wear an electronic device, and shall remain at her place of residence except for employment, treatment, or other activities approved in advance by the probation officer. The fees of the electronic monitoring services shall be waived.**

Witness:

  
U.S. Probation Officer

Signed:

 1/31/06  
Probationer or Supervised Releasee

January 31, 2006

DATE